

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Pioneer Hi-Bred International, Inc. of Des Moines, Iowa a limited exclusive license to U.S. Patent Application Serial No. 08/215,065 filed March 17, 1994, "Low Phytic Acid Mutants and Selection Thereof." Notice of Availability was published in the **Federal Register** on June 21, 1994.

DATES: Comments must be received on or before August 8, 1995.

ADDRESSES: Send comments to: USDA, ARS Office of Technology Transfer, Room 401, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Pioneer Hi-Bred International, Inc. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which

establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

R.M. Parry, Jr.,

Assistant Administrator.

[FR Doc. 95-14162 Filed 6-8-95; 8:45 am]

BILLING CODE 3410-03-M

Forest Service

Application Power Company Transmission Line Construction-Cloverdale, Virginia, to Oceana, West Virginia. Jefferson National Forest, Appalachian National Scenic Trail, the New River, and R.D. Bailey Lake Flowage Easement Land. Virginia Counties of Botetourt, Roanoke, Craig, Montgomery, Pulaski, Bland, and Giles and the West Virginia Counties of Monroe, Summers, Mercer, and Wyoming

AGENCY: Forest Service, USDA.

ACTION: Revised Notice—Revises the publication date for the draft and final environmental impact statements; changes the length of the comment period for the draft environmental impact statement; changes the name of the responsible official for the US Army Corps of Engineers in West Virginia; changes the name of the responsible official for the USDA Forest Service; changes the name of the Jefferson National Forest to the George Washington and Jefferson National Forest; adds a new responsible official for the US Army Corps of Engineers in Virginia; and provides updated information on the federal agencies' analysis.

SUMMARY: The Forest Service will prepare a draft and final environmental impact statement on a proposed action to authorize the Appalachian Power Company to construct a 765,000-volt transmission line across approximately twelve miles of the George Washington and Jefferson National Forests, as well as portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake) and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River).

The federal agencies identified a study area in which alternatives to the proposed action were developed. The study area includes land located in the Virginia counties of Botetourt, Roanoke,

Craig, Montgomery, Pulaski, Bland and Giles and the West Virginia counties of Monroe, Summers, Mercer and Wyoming.

The Appalachian Power Company proposal involves federal land under the administrative jurisdiction of the USDA Forest Service (George Washington and Jefferson National Forests), the USDI National Park Service (Appalachian National Scenic Trail) and the US Army Corps of Engineers (New River and R.D. Bailey Lake Flowage Easement Land).

The Forest Service is the lead agency and is responsible for the preparation of the environmental impact statement. The National Park Service and the US Army Corps of Engineers are cooperating agencies in accordance with 40 CFR 1501.6.

In initiating and conducting the analysis the federal agencies are responding to the requirements of their respective permitting processes and the need for the Appalachian Power Company to cross federal lands with the proposed transmission line.

The Forest Service additionally will assess how the proposed transmission line conforms to the direction contained in the Jefferson National Forest's Land and Resource Management Plan (LRMP). Changes in the LRMP could be required if the transmission line is authorized across the George Washington and Jefferson National Forests.

The total length of the electric transmission line proposed by the Appalachian Power Company is approximately 115 miles.

The Notice of Intent for the proposed action was published in the **Federal Register** on November 21, 1991 (56 FR 58677-58679). The Notice was revised on March 13, 1992 (57 FR 8859), April 24, 1992 (57 FR 15049), June 16, 1993 (58 FR 33248-33250) and June 21, 1994 (59 FR 31975-31978).

FOR FURTHER INFORMATION CONTACT: Frank Bergmann, Forest Service Project Coordinator, George Washington and Jefferson National Forests, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019/(703) 265-6005.

TO PROVIDE COMMENTS TO THE FEDERAL AGENCIES: Write to the George Washington and Jefferson National Forests, Attn: Transmission Line Analysis, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019.

SUPPLEMENTARY INFORMATION: The Appalachian Power Company submitted an application to the Jefferson National Forests (the name changed in 1995) for authorization to construct a 765,000-volt electric transmission line across approximately twelve miles of the National Forest. Portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake), and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River) would also be crossed by the proposed transmission line.

Studies conducted by the Appalachian Power Company and submitted to the Virginia State Corporation Commission, as part of its application and approval process, indicate a need to reinforce its extra high voltage transmission system by the mid-to-late 1990s in order to maintain a reliable power supply for projected demands within its service territory in central and western Virginia and southern West Virginia.

A study to evaluate potential route locations for the proposed transmission line was prepared for the Appalachian Power Company through a contract with Virginia Polytechnic Institute and State University (VPI) and West Virginia University (WVU). The information gathered by VPI and WVU, along with other information collected during the analysis process, will be utilized in the preparation of the environmental impact statement. General information about the transmission line route proposal is available from the Jefferson National Forest.

The decisions to be made following the environmental analysis are whether the Forest Service, the National Park Service, and the US Army Corps of Engineers will authorize Appalachian Power Company to cross the George Washington and Jefferson National Forests, the Appalachian National Scenic Trail, and the new River and R.D. Bailey Lake Flowage Easement Land, respectively, with the proposed 765,000-volt transmission line and, if so, under what conditions a crossing would be authorized.

In preparing the environmental impact statement a range of routing alternatives will be considered to meet the purpose and need for the proposed action. A no action alternative will also be analyzed. Under the no action alternative APCO would not be authorized to cross the George Washington and Jefferson National Forests, the Appalachian National Scenic Trail, the New River or R.D. Bailey Lake Flowage Easement Land. The alternatives developed by VPI and WVU will also be considered.

In July of 1994, the federal agencies identified a number of alternatives to the proposed action in the Virginia counties of Botetourt, Roanoke, Craig, Montgomery, Pulaski, Bland, and Giles and the West Virginia counties of Monroe, Summers, and Mercer.

The federal analysis will include an analysis of the effects of the proposed transmission line along the entire proposed route as well as all alternative routes which are considered in detail.

The significant issues identified for the federal analysis are listed below:

- The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) affect soil productivity by increasing soil compaction and erosion; (2) affect geologic resources (karst areas, Peters, Lewis, Potts Mountains, Arnolds Knob) and unique geologic features like caves through blasting, earthmoving or construction machinery operations; and (3) result in unstable structural conditions due to the placement of the towers.
- The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) degrade surface and ground water quality due to the application of herbicides; (2) degrade surface and ground water quality because of sedimentation resulting from soil disturbance and vegetation removal; (3) reduce the quantity of ground and spring water due to the disturbance of aquifers resulting from blasting, earthmoving or construction machinery operation; and (4) adversely affect the commercial use of ground and surface waters due to herbicide contamination and sedimentation.
- The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect existing cultural resources, and historic structures and districts through the direct effects of the construction and maintenance activities and by changing the existing resource setting.
- The operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect human health through (1) direct and indirect exposure to herbicides and (2) exposure to electromagnetic fields and induced voltage.
- The construction of the 765kV transmission line may adversely affect the safety of those operating aircraft at low altitudes or from airports located near the transmission line.
- The operation of the 765kV transmission line may (1) adversely affect communications by introducing a source of interference; (2) increase noise levels for those in close proximity to the line.
- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) adversely affect trails (including the Appalachian Trail) and trail facilities by facilitating vehicle access through new road construction and the upgrading of existing roads; and (2) reduce hiker safety by facilitating vehicle access to remote trail locations.
- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect hunting, fishing, hiking, camping, boating and birding opportunities and experiences because (1) the setting in which these pursuits take place may be altered; and (2) the noise associated with the operation of the line may detract from the backcountry or recreation experience.
- The construction and operation of the 765kV transmission line and the associated access roads and right-of-way may affect local communities by (1) reducing the value of private lands adjacent to the line; (2) decreasing tax revenues due to the reductions in land value; and (3) influencing economic growth, industry siting, and employment.
- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) conflict with management direction contained in resource management plans and designations; (2) affect the uses that presently occur on and adjacent to the proposed right-of-way; (3) affect the wild, scenic and/or recreational qualities of the New River; (4) affect sensitive land uses like schools, churches, and community facilities; (5) affect the cultural attachment residents feel toward Peters Mountain; and (6) affect the scenic and/or recreational qualities of the Appalachian National Scenic Trail (Appalachian Trail).
- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect the visual attributes of the area because the line, the associated right-of-way, and access roads may (1) alter the existing landscape; and (2) conflict with the

standards established for scenic designations.

- The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect wildlife, plant and aquatic populations, habitat and livestock because (1) habitats are created, changed or eliminated; (2) herbicides are used and herbicides may be toxic; (3) the transmission line presents a flight hazard to birds; (4) electromagnetic fields and induced voltage may be injurious.

The following significant issues were added by the federal agencies in 1995:

- The construction of the 765kV transmission line and the associated access roads and right-of-way may have a disproportionately high and adverse human health or environmental effects on minority and low income populations as indicated in Executive Order 12898.
- The construction and operation of the 765kV transmission line may adversely affect astronomical observation activities at the Martin Observatory (VPI) due to the introduction of obstructions to the sky (lines and towers), the introduction of light from coronal discharge, and the disruption of sensitive electronic equipment by electromagnetic fields.
- The construction and operation of the 765kV transmission line may adversely affect seismological observation activities at the VPI seismic stations located near Forest Hill and Potts Mountain.
- The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect the cultural attachment that residents have for the valley between Blacksburg and Catawba, Craig County, Mercer County and portions of Montgomery County.

The following permits and/or licenses would be required to implement the proposed action:

- Certificate of Public Convenience and Necessity (Virginia State Corporation Commission)
- Certificate of Public Convenience and Necessity (West Virginia Public Service Commission)
- Special Use Authorization (Forest Service)
- Right-of-Way Authorization (National Park Service)
- Section 10 Permit (US Army Corps of Engineers)
- Right-of-Way Easement (US Army Corps of Engineers)
- Consent to Easement (US Army Corps of Engineers)

Other authorizations may be required from a variety of Federal and State agencies.

Public participation will occur at several points during the federal analysis process. The first point in the analysis was the scoping process (40 CFR 1501.7). The Forest Service obtained information, comments, and assistance from Federal, State and local agencies, the proponent of the action, and other individuals or organizations who are interested in or affected by the electric transmission line proposal. This input will be utilized in the preparation of the draft environmental impact statement. The scoping process included, (1) identifying potential issues, (2) identifying issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.

Public participation was solicited through contacts with known interested and/or affected groups, and individuals; news releases; direct mailings; and/or newspaper advertisements. Public meetings were also held to hear comments concerning the Appalachian Power Company proposal and to develop the significant issues to be considered in the analysis.

A similar process of public involvement was implemented by the federal agencies for the Preliminary Alternative Corridors announced in July of 1995.

Other public participation opportunities will be provided throughout the federal analysis process.

The Forest Service will be publishing a number of reports in 1995 regarding the federal agencies' analysis of the transmission line proposal. In February a newsletter was published to update those interested in the federal agencies' analysis of the transmission line proposal. Similar newsletters are scheduled for publication in May and July of 1995. In March a report describing the public comments received by the federal agencies was published and distributed to a number of public repositories. An update to this report will be published and similarly distributed in May of 1995.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by October 20, 1995. This revises the February 28, 1995 date previously announced. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 90 days from

the date the EPA publishes the notice of availability in the **Federal Register**. This changes the 45-day comment period previously announced.

Reviewers need to be aware of several court rulings related to public participation in the environmental impact statement review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by the three federal agencies in preparing the final environmental impact statement. The federal agencies have decided to await the decisions of the Virginia State Corporation Commission and the West Virginia Public Service Commission on the Appalachian Power Company proposal before publishing the final environmental impact statement. It is not known when the two Commission's will issue their decisions. When these decisions are made the federal agencies

will announce the publication date of the final environmental impact statement. This revises the August 1, 1995 date previously announced.

The responsible officials will consider the comments, responses, environmental consequences discussed in the final environmental impact statement, and applicable laws, regulations, and policies in making a decision regarding this document. The responsible officials will document their decisions and reasons for their decisions in a Record of Decision.

The responsible official for the Forest Service is changed from Joy E. Berg to William E. Damon, Jr., Forest Supervisor, George Washington and Jefferson National Forests, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019. The responsible official for the National Park Service is Don King, Acting Project Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry Center, Harpers Ferry, West Virginia 25425. The responsible official for the US Army Corps of Engineers in West Virginia is changed from Colonel Earle C. Richardson to Colonel Richard Jemiola, US Army Corps of Engineers, Huntington District, 508 8th Street, Huntington, West Virginia 25701-2070. The responsible official for the US Army Corps of Engineers in Virginia is Colonel Andrew M. Perkins, Jr., US Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510.

Dated: June 2, 1995.

William E. Damon, Jr.,

Forest Supervisor, George Washington and Jefferson National Forests.

[FR Doc. 95-14093 Filed 6-8-95; 8:45 am]

BILLING CODE 3410-11-M

Natural Resources Conservation Service

Harquahala Valley Watershed, Maricopa and La Paz Counties, Arizona

AGENCY: Natural Resources Conservation Service.

ACTION: Notice of availability of record of decision.

SUMMARY: Humberto Hernandez, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of Arizona, is hereby providing notification that a record of decision to delete the measure, Centennial Levee, Reach 2, from the Harquahala Watershed Plan is available.

No significant comments were received during the 45-day comment

period as provided by the interagency review.

Because this was the last remaining measure to be built, Supplement No. 2, in effect will terminate all future planned construction in the Harquahala Watershed Project. Single copies of this record of decision may be obtained from Humberto Hernandez at the address shown below.

FOR FURTHER INFORMATION CONTACT:

Humberto Hernandez, State Conservationist, Natural Resources Conservation Service, 3003 North Central Avenue, Suite 800, Phoenix, Arizona 85012. Telephone: (602) 280-8808.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Dated: June 1, 1995.

Humberto Hernandez,

State Conservationist.

[FR Doc. 95-14108 Filed 6-8-95; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 950510133-5133-01]

Summary of Secretarial Report Under Section 232 of the Trade Expansion Act of 1962, as Amended

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice.

SUMMARY: On February 16, 1995, President William J. Clinton concurred in the Secretary of Commerce's finding that oil imports threaten to impair the national security. The President determined that no action is necessary to adjust imports of petroleum under Section 232 of the Trade Expansion Act of 1962, as amended, because on balance the costs to the economy of an import adjustment outweigh the benefits. Included herein is the Executive Summary of the Department of Commerce's Section 232 report to the President dated December 29, 1994.

ADDRESSES: A copy of the report is available for public review and duplication in the Bureau of Export Administration's Freedom of Information Facility, Room 4525, U.S. Department of Commerce, Washington, DC 20230, (202) 482-5653.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Deputy Assistant Secretary

for Strategic Industries and Economic Security, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230 (202) 482-4506.

SUPPLEMENTARY INFORMATION: On March 11, 1994, the Independent Petroleum Association of America (IPAA) and various other industry associations, companies, and individuals filed a petition under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. Section 1862 (1988)) requesting the Department to initiate an investigation of the impact on the national security of imports of crude oil and refined petroleum products.

On April 5, 1994, the Department initiated the investigation and invited public comment. The Department held three public hearings in New York, New York; Dallas, Texas; and Santa Clara, California. During the comment period, 69 people presented comments reflecting both support for and opposition to the allegations made by the petitioner. The Department also chaired an interagency working group that included the Departments of Energy, Interior, Defense, Labor, State, and Treasury, the Office of Management and Budget, the Council of Economic Advisors, and the U.S. Trade Representative to assist in the investigation.

On December 29, 1994, Secretary Ronald H. Brown submitted his investigation report to President Clinton. The Department found that since the previous Section 232 petroleum finding in 1988, there have been some improvements in U.S. energy security. The breakup of the Soviet Union and the apparent disarray within OPEC have enhanced U.S. energy security. However, the reduction in exploration, dwindling reserves, falling production, and the relatively high cost of U.S. production all point toward increasing imports from OPEC sources. Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity, and there are at present no substitutes for oil-based transportation fuels. Given the above factors, the Secretary found that petroleum imports threaten to impair the national security.

The Secretary recommended, however, that the President not use his authority under Section 232 of the Trade Expansion Act to adjust oil imports through the imposition of tariffs because the economic costs of such a move outweigh the benefits, and because current Clinton Administration energy policies will limit the growth of